

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

Writ Petition No. 1893 of 2005

ZyduS Altana Healthcare Pvt. Ltd.	.. Petitioner
V/s.	
State of Maharashtra & Anr.	.. Respondents

Mr. Rohit Kapadia, Senior Counsel with Mr. Bijal Chhatrapati and Mr. Jayesh Desai i/b. M/s. Singhi & Co. for the Petitioner
Mr. S.K. Nair, AGP. for the Respondents

**CORAM : DR. S. RADHAKRISHNAN &
J.H. BHATIA, JJ.
DATED : 15.07.2005.**

P.C.:-

1. Heard the learned counsel for the Petitioner and the learned A Panel counsel for the Respondents. By this Petition, the Petitioner is challenging the order dated 28.3.2005 passed by the Assessing Officer mainly on the ground of lack of jurisdiction.

2. Shri Kapadia, the learned senior counsel appearing on behalf of the Petitioner, however contended that the main grievance of the Petitioner is that the invoices which are referred in the assessment order, were not acted upon at all and in that behalf, the Petitioners have sufficient evidence to produce before the assessment officer to enable him to consider the same.

3. Having regard to the aforesaid facts and circumstances, and in the larger interests of justice, without going into the merits and demerits of the order dated 28.3.2005, we set aside the same only for the

limited purpose of enabling the Petitioner to go back

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before the same assessment officer to enable them to produce the evidence, to establish that the said invoices were, in-fact not acted upon.

4. Shri Kapadia, the learned senior counsel appearing for the Petitioner states that the Petitioner and Petitioner's representative will appear before the Assistant Commissioner of Sales Tax (Asst.) B-150, 1st Floor, B Wing, Bandra (E), Bombay - 400 051 on 30.7.2005 at 11.00 am. to enable the said officer to fix the schedule of hearing with regard to the above assessment.

5. All the contentions raised by the Petitioner and the Respondents are kept expressly open. Writ Petition stands disposed of in the above terms.

(DR. S. RADHAKRISHNAN, J.)

(J.H. BHATIA, J.)